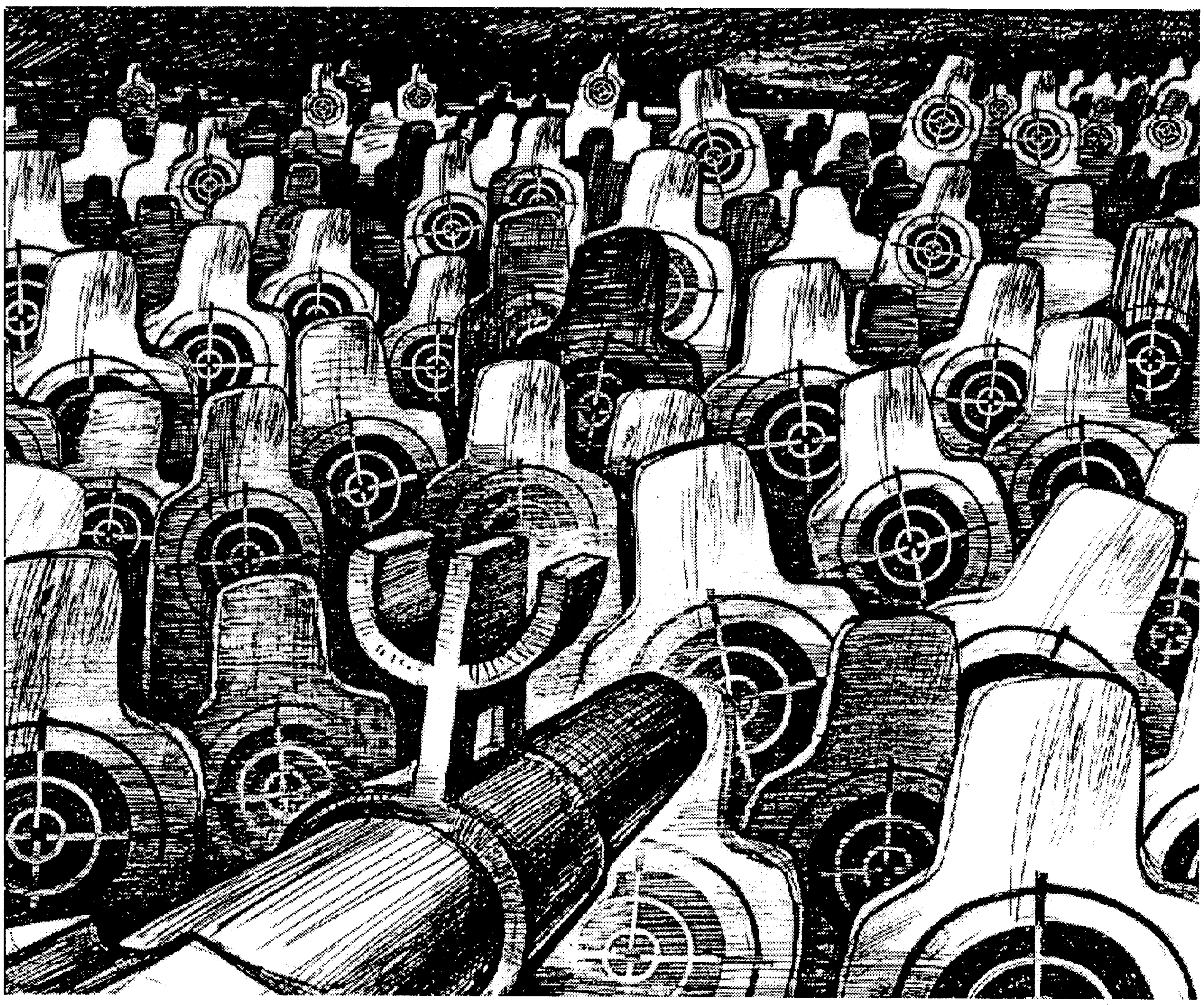
№10
May 1998

The Right of Freedom

The Bulletin of the Human Rights Centre "Spring '96"



"Kurapaty": 10 years Later...

10 years ago the whole world learned about the place called "Kurapaty" situated near-by Minsk city. This place has be-come consonant with such well-known places of Stalin's repressions as Solovki, Belomorkanal, Kolyma and Gulag. In the late 30-s – beginning of 40-s the gunshots rang out there every night. According to the experts who carried out exhumation of burial places about one hundred thousand innocent people so-called "nation's enemies", "kulaks", "polish spies", "social democrats" were executed.

Looking back upon not quite distant past it's possible to assert that the democratization process in Belarus began with exposion of Stalin's crimes and to be more precise with the article "Kurapaty – death's path" by Zyanon Paznyak and Yaugen Shmygaleu published in "Litaratura i Mastatstva".This publication literally shacked Belarus. Wish for lear-ning the truth about Stalin's vic-tims led to information about existence of such "Kurapaty" nearby almost every big city in Belarus. It was decided to unite the movement for democracy, publicity and exposion of Stalin's crimes into one organization under name "Martyralog Belarusi". "Martyralog" became the first human right organization in Belarus and its members were famous scientists, artists, writers. And finally during its first meeting the Belarusan Popular Front was established – the unity center for democratic an revival forces of Belarus.

And some days later on October 30th about a thousand citizens gathered in Minsk for celebrating "Dzyady" with the procession and meeting in Kurapaty.The authorities were scared of it and they used for the first time the special forces equipped with batons and gas against the peaceful demonstrants. Tens of people were beaten, gas-poisoned and arrested. The Belarusan people and the BPF received their first baptism of fire.

Of course "Martyralog" and the BPF were founded not by accident. There was a range of informal intellectual, youth and anti-Communist foundations in Belarus before. The most famous and popular of them was "Talaka". But in fact the article about Kurapaty published in "Litaratura i Mastatstva" became a catalyst of democratic, revival and human right forces in Belarus.

A criminal case was instituted after publication of the article. The country's Office of Public Prosecutor conducted an investigation.

(Please see page 2)

Chronicle

April 25th – Valery Karobchyts, a student of geographical faculty of the Belarusan State University was detained during "Chernobyl rally" profession. A few days later he was expelled from the university for his failure to receive a credit.

April 29th – Pavel Zhuk, the chairman of organization for victims of political repressions in Grodno region addressed his request to the local authorities for assistance in organizing of exhibition "Religions procession" and in finding premises for it. Instead of assistance he received a letter from Y.Zhebrun, the vice-chairman of Grodno executive committee in which he asked to let him have the schedule of the exhibition and reminded that all activities in the city are forbidden without the government's approval.

In May – the wife of ex-minister of agriculture V. Lyavonau addressed with an open letter to president A. Lukashenka, in which she wrote that her husband was arrested for trying to provide a free life for collectivefarm workers.

May 10th – Syargey Navumchyk, a political emigrant and an activist of Belarusan Popular Front "Adradzhenne" of offered himself as a hostage in exchange for 19 year old A.Shydlouski and 21 year old P.Sevyarynets. In an open letter to president A. Lukashenka he wrote: "You are acting as a terrorist who has taken children hostage. If you need hostages I'm willing to be the one".

(Continued on pages 6)

THE WAY TO EXECUTIONERS' JUSTIFICATION

A historian Igar Kuznyatsou, well-known for his research of the USSR punitive organizations' activities (the MGB, the NKVD, the KGB), had to address his appeal to the court in order to protect his honour and dignity from discredit. the order from "above" banned his publications.

On May 12th, before the court trial "Narodnaya Gazeta" published one more article The hearings of Igar Kuznyatsou's case is being taken place in the court of the Soviet district, Minsk city, where he addressed at the end of last year. The main reason of his appeal was a series of publications in the official press written by professor Adam Zaleski.

Any interested reader could satisfy himself last autumn that Mr. Zaleski was a real man, well-known among the scientists as odious and pro-Communist and soviet minded. It's not a secret that a genuine historian should base his own conclusions on real facts and be beyond any ideology – even predominant ideology of a state where he lives. Nevertheless Mr. Zaleski on the eve of Commemoration day published an indulgence to executioners (the number of copies printed was equal to the circulation of "Narodnaya Gazeta"). According to professor Zaleski the people who were labeled by the executioners as the people's enemies and therefore tortured had to blame themselves for their torments. The blame was also placed on the victims' relatives and fellow-countrymen.

Thus, in the post-soviet republic of Belarus not a single person who was responsible for execution of innocent people has either confessed or begged for forgiveness. The executioners have been justified. From justification to praising is just one step. Of course, today our country has not returned to the realities of 1937 yet but what future shall our country expect if the people is offered to praise the principles typical of the middle-aged inquisition?

There is no point in quoting what was published last autumn and counting how many times I. Kuznyatsou has been discredited as a historian. His laborious task in State Archives and findings of secret documents caused a hysterical reaction among "court" ideologists.

As the policy towards the USSR was proclaimed a long ago the truth about the soviet past has become a serious factor. I. Kuznetsou's appeal had laid in fact in the court for several months until the date for the court examination was announced. During the first two trials (in March and at the beginning of May) neither A. Zaleski nor the representative of "Narodnaya Gazeta" turned up for the hearings. On May 13th "process finally began" in a strange but explicable direction. For instance, during the trial Zaleski confessed that whilst writing the articles his consultants and co-authors were some officials from the state bodies and whose names he did not mention. The materials were published with approval of the state bodies (Zaleski refused to specify them exactly but remembering the similar confessions of ex "Znamya Unosti" journalist U. Zueu about compromising G. Karpenka, the vice-chairman of the Supreme Soviet, it is difficult not to suspect Lukachenka's administration and its involvement in Zaleski's writing).

During the court hearings the question arose – was it an insulting or casual dispute between two historians? In order to establish that two commissions of experts from the Belarusan Academy of Science were appointed for examining "Zaleski and his company's works". Meanwhile, before the examination was carried out Zaleski himself made the work simple for the experts. "Kuznyatsou should be accused of his political views only!" – announced Zaleski.

According to his next statement his scientific opponent (Kuznyatsou) was his enemy just because he published his works in the "national-extremist press". By the way Igar Kyznyatsou's works were published several times in a number of newspapers such as "Narodnaya Gazeta", "Minskaya Prauda" and even in pro-president's newspaper "Sovetskaya Belorussia" until the middle of the last year when concerning this matter. That was the press review in which correspondents were outraged about Kuznyatsou and appearance of his name in the "opposition national-extremist press". The newspaper "Zdravy Smysl" was classified to such press because archive documents about executions and persecutions of dissidents during 50-s and 60-s were published there. Moreover these archive documents were never followed by any commentary notes of a historian who undertook publishing them. These documents were speaking for themselves. According to Zaleski's statement only "enemies" collect such documents and he also accused Kyznyatsou of participation in scientific conferences devoted to human rights and history of repressions.

It is not clear so far how the court trial will end up. Igar Kuznyatsou is likely to be given some moral instruction: "Listen to colleagues' opinion" as it happened with the teacher L.Mukhina about whom we wrote in one of our previous issues.

Yana ZHDANOVICH

"KURAPATY": 10 YEARS LATER...

(Continued from page 1)

nothing has been mentioned about Kurapaty some publications about Stalin's victims who were called the "nation's enemies" appear in the "patriotic" press.

In the end only the book "Kurapaty: investigation continues" of Georgiy Tarnauski who was a general prosecutor of BSSR at that time and tens of newspaper and magazine publications were the result of that investigation. None of the people who were guilty of repressions against the Belarusan people (although a great number of them is alive today) was punished, even was accused of and confessed in his crime. Moreover, since more time passed the communists and stalinists took over initiative and began to claim that only the victims of fascism were buried in Kurapaty. This situation is very similar to the one connected with Khatyn: till the last moment the Soviets lied by claiming that the polish officers were killed and buried by Fascists and not by the Red Army soldiers.

When Lukashenka came to power the people who supported Stalin and "single and indivisible Soviet Union" became extremely active. They always hold Stalin's portraits together with Lukashenka's during their meeting. Although the Office of Public Prosecutor resumed the investigation under the public request. The KGB, as in the soviet times begins to occupy the most important place among the state bodies. As a result some political prisoners appeared in Belarus. They were accused of violating the same old anti-Soviet laws renewed in a democratic manner.

Today, unfortunately, every new step of the president – dictator brings us to new repressions.

Andrey NALIVA

EVERYONE CAN COME UP AND HIT. WITH IMPUNITY...

A picket in protection of political prisoners took place on May 28th in Vitebsk. Yuras Korban, a leader of "Youth Front" in Vitebsk, was responsible for organizing it. The picket was approved by the authorities and conducted without any violation. One of the people, who were joining the participants, gave a slap in the face of Kastus Buyshou, a member of "Youth Front", who was holding a flag and could not move aside. The militiamen who were standing on guard asked the offender to step aside and let him go.

V.SHALUHIN

Gary Paganyayla: "Persecution of advocates for their professional activities is unacceptable"

The interview of "Rights of freedom" correspondent with a famous Belarusan advocate.

– Gary Pyatrovich, that is extremely significant you were not allowed to defend Pavel Sevyarynets. Do you have any possibility at all to work as an advocate in Belarus?

– Assuming present situation as a lawyer I reckon that I have rights to give a judicial assistance to the Belarusan people in case they ask me for help. The Constitution guarantees such an assistance to people as well as the legislation guarantees the right to choose a defender. But the authorities are still striving for "not letting me in"...

– In all cases or just political ones?

– All ones. Not only in the case of Sevyaranets. There are some more cases in which the authorities do not allow me to advocate referring to appropriate letters from the Ministry of Justice. According to them I am not a member of the Belarusan board of advocates, and as a Russian advocate I could not advocate in Belarus. But since 1993 intergovernmental treaty – "convention on judicial assistance" has been in force within the Common wealth of Independent States. According to the convention citizens of the countries have equal rights to choose an advocate. Thus, a Ukrainian citizen coming into Belarus with purpose to settle his matters connected with property can use either services of a Belarusan or an Ukrainian advocate. A Belarusan citizen has the right to invite a Russian advocate and any Russian has the right to employ a government check-ups.

– Did you have any desire to leave for Moscow, for example?

– In order to go to Moscow you need to have at hand at least $100000 to buy a flat there. But nobody would give me a flat as a gift and to make such an amount of money is impossible for an advocate. There are no such rich clients. Can parents of Pave Sevyarynets pay a lot of money? And the rest of people?

– It is in the West where lawyers and doctors are the wealthiest people (it seems journalists rank third)!

– There can not be rich lawyers in impoverished society.

– By the way Belarus has specific relations with Russia! And they are still putting obstacles in your way without paying attention to all unions?!

Yes, union's relations here do not work. Though the above-mentioned "Convention" was enforced straight after the creation of Commonwealth of Independent States and aimed at preserving connections between republics and facilitating life of citizens of former Soviet Union. Thus pe-ople were guaranteed protection of their rights, certainly, within the states where their cases would be considered. The Lithuanians did not have any problems with their judicial activities within Belarus. They visit pretty often border take part in considering cases connected with breaching customs laws. I used to work myself in Vilnius, Warsaw and it was everyday practice enforced by intergovernmental treaties.



– Has your family felt your persecution?

– Certainly. Now I am unemployed. State institutions do not give me positions to work and when private firms employ me later they fall under strict But to leave... In the name of what?! My relatives live here and my children are studying here! Just imagine all those who are pressed on start to leave the country...

– Who will stay here?

– Those who are more or less satisfied. Maybe it is not worth making the situation easier for the government? We need to live in our home-county. Otherwise nothing will be changed for a long period of time.

– What have already changed in the case or Tamara Vinnikava?

– Her health conditions have deteriorated dramatically during her stay in isolation ward in the KGB. It is possible, that such a stay and psychological condition has lead to worsening of chronic diseases which probably existed earlier without any symptoms. It is possible that she has acquired some diseases during her stay in the isolation ward.

– Will the condition of her health influence a verdict and a sentence?

– Certainly. It has always been taken into consideration.

– And when will court hearings take place?

– Nobody knows that. Tamara Vinnikava is seriously ill and is preparing for an operation. If doctors manage to improve her health condition then the prosecution will continue.

– At what stage are the cases of Pavel Sharamet and Dzimitry Zavadsky?

– At the stage of reexamination. After the verdict, declared by the court of Ashmyany, and reconsidered by Grodno's Court, was recognized as a lawful, complaints were sent to prosecutor of Grodno region and Head of Grodno Court. But I am afraid that officials who are entitled to submit a protest on verdicts will not be able to make decisions regarding the circumstances of the case. If a verdict is recognized as "grounded and lawful" we will appeal to the General prosecutor of the Republic of Belarus and to the Chairman of the Supreme Court. With this the super-vising ends according to the Belarusan legislature. If our complaints after going through such institutions are turned down then we shall go further – to submit the case to UN Committee on Human rights with

(to be continued on page 7)

A DOCUMENT WITH NO COMMENTS

"...HAVING INTENTION FOR DAMAGE TO THE PROPERTY..."

"Approved"
Procurator of the "Centralny" district of the city of Minsk
Senior Adviser of Justice A.S. Rubis "April 10, 1998"

conclusion to indict
with regard to criminal case # 169998

on the accusation of Murashka Paval Valeryevich, DOB 26.05.1980, Article 201 part I, 96 part I of the Criminal Code of the Republic of Belarus.

Gilevich Andrey Alyaxandravich, DOB 19.02.1979, Article 201 part I, 96 part I, 205 of the Criminal Code of the Republic of Belarus,

Moukhin Ales' Alyaxandravich, DOB 09.01.1980, Article 201 part I, 96 part I, 205 of the Criminal Code of the Republic of Belarus. by A.A. Moukhin together with P.V. Murashka and A.A. Gilevich is 4165278 roubles of the Republic of Belarus.

The same person being fully aware of the fact that P.V. Murashka has not reached majority age involved him into the criminal activity and drinking, having committed hooliganism and intentional damaging of property, being in the state of alcoholic drunkenness. Having been questioned as the accused upon this criminal case P.V. Murashka pleaded his guilt partially and in regard to the questions asked said that on February 28, 1998, upon mutual agreement with his former classmates A.A. Moukhin and

The criminal case has been initiated on March 1, 1998 by Investigative Department of the "Centralny" District Department for Internal Affairs (DDIA) with regard to P.V. Murashka, A.A. Moukhin, A.A. Gilevich upon the indicia of the constituent elements of a crime provided for by Article 201 part I of the Criminal Code of the Republic of Belarus.

During the preliminary investigation on this criminal case it has been established that A.A. Moukhin at about midnight on March 1, 1998, being in the state of alcoholic drunkenness and together with P.V. Murashka and A.A. Gilevich with hooligan motives using aerosol paint put down on the fence of the Joint Stock Company "Belpromstroy Svyaz" unseemly expressions showing clear disrespect to the society.

The same person at about 00.05 o'clock on March 1, 1998, being in the state of alcoholic drunkenness and together with P.V. Murashka and A.A. Gilevich with hooligan motives using aerosol paint put down unseemly expressions showing clear disrespect to the society on the building # 26 belonging to the Joint Stock Company "Minsky Farforovy Zavod" on Arlouskaya street in Minsk.

The same person at about 00.10 o'clock on March 1, 1998, being in the state of alcoholic drunkenness and together with P.V. Murashka and A.A. Gilevich with hooligan motives using aerosol paint put down on the walls of the secondary school # 79 building on Azizau street in Minsk unseemly expressions showing clear disrespect to the society.

The same person at about 00.15 o'clock on March 1, 1998, being in the state of alcoholic drunkenness and together with P.V. Murashka and A.A. Gilevich with hooligan motives being at the public transport stop "Kievsky skver", situated near the building # 42 on Arlouskaya street in Minsk, using aerosol paint put down unseemly expressions on the shed of the roof installed at the public transport stop showing clear disrespect to the society. After that he was detained by the The same person at about midnight on March 1, 1998,being in the state of alcoholic drunkenness and having intention for damage to the property together with P.V. Murashka and A.A. Gilevich being near building 82 on Shchedrin street in Minsk using aerosol paint stained the fence wall of the Joint Stock Company "Belpromstroy Svyaz", having caused material damage in the amount of 330240 roubles of the Republic of Belarus.

The same person at about 00.05 o'clock on March 1, 1998, being in the state of alcoholic drunkenness and having intention for damage to the property together with P.V. Murashka and A.A. Gilevich being near building 26 on Arlouskaya street in Minsk using aerosol paint stained the facade of the mentioned building, belonging to the Joint Stock Company "Minsky Farforovy Zavod", having caused material damage in the amount of 168000 roubles of the Republic of Belarus.

The same person at about 00.10 o'clock on March 1, 1998, being in the state of alcoholic drunkenness and having intention for damage to the property together with P.V. Murashka and A.A. Gilevich being near building 3 on Azizau street in Minsk using aerosol paint stained the facade and the walls of the secondary school # 79, situated at the above-mentioned address, having caused material damage in the amount of 3041472 roubles of the Republic of Belarus.

The same person at about 00.15 o'clock on March 1, 1998, being in the state of alcoholic drunkenness and having intention for damage to the property together with P.V. Murashka and A.A. Gilevich being at the public transport stop "Kievsky skver", situated near the building # 42 on Arlouskaya street in Minsk, using aerosol paint stained the shed of the roof installed at the public transport stop, having caused the material damage in the amount of 625566 roubles to the Road Maintenance Department # I of the "Centralny" district of Minsk. After that he was detained by the militiamen.

The overall material damage caused A.A. Gilevich they decided to go to the concert of the band NRM, which was to be held at Dziarzhynsky club in Minsk. They met at 18.30 at the public transport stop on Karastayanava street near the food stuffs store and went to the concert using public transport. After the concert was over they bought several bottles of beer and drank it. P.V. Murashka drank beer too. After that they decided to go home but being at the trolleybus they changed their mind and decided to walk. Having arrived at Karastayanava street P.V. Murashka phoned his parents and told them he was going home. Then all of them went to the public transport stop "Gaya St." situated on Arlouskaya street in order to see A.A. Gilevich home, where A.A. Moukhin suggested to go for a walk and draw. The three of them went to A.A. Moukhin, who lives not far from the stop in a private house. A.A. Moukhin went in and took a balloon with the paint of which he informed Murashka and Gilevich having returned to them. All of them went to the polyclinic 16 on Shchedrin street in order to draw on the fence. A.A. Gilevich using the balloon with the paint wrote something on the fence on Shchedrin street. Murashka did not see what exactly was written on the fence as he has bad sight. Then they went to Arlouskaya street, where Moukhin took the balloon and started to write something on the facade of the building. Then all of them went to the secondary school # 79, where Murashka took the balloon and wrote on the side of the building "Belarus into Europe, Lukashenka into a...". After that Moukhin took the balloon from him and started to write different phrases on the porch of the school. Then Murashka took the balloon from Moukhin and wrote on the other side of the building "Luka is a nit". After that all of them were going home and went to the public transport stop "Kievsky skver", where somebody (Murashka does not remember exactly) suggested to write about the band whose concert they had visited. Murashka took the balloon and wrote on the shed of the stop "Long live NRM". Gilevich started to draw a flag at the same place. At this time the militiamen arrived. Murashka, Gilevich and

Moukhin rushed to the yards of the near-by buildings, where they were

detained by the militiamen and conveyed to the "Centralny" DDIA of Minsk for further examination. Murashka pleads his guilt that he stained the facade of the building and damaged property.

A.A. Moukhin, having been questioned as the accused upon this criminal case pleaded his guilt partially and in regard to the questions asked said that he studied with P.V. Murashka and A.A. Gilevich in the same form at the secondary school # 50 of Minsk. On February 28, 1998 they agreed to go to the concert of the band NRM, which was to be held at Dziarzhynsky club in Minsk. After the concert they went for a walk and having dropped in at "Centralny" supermarket Moukhin bought two bottles of beer. Murashka and Gilevich bought beer too. After they had drunk the beer near the supermarket all of them went to Karastayanava street, where Moukhin again bought beer and drank it near the shop. After that they went to the public transport stop to see Gilevich home. At the stop Moukhin suggested to test the balloon with the paint which he had bought at the market in Zhdanovichi in order to paint his uncle's motorcycle. The three of them went home to Moukhin where he took the balloon and went to the polyclinic on Shchedrin street. Gilevich took the balloon from him near the polyclinic and wrote something on the fence. Moukhin was standing at the cross-roads and did not see what exactly Moukhin was writing. Then they went to Arlouskaya street where Moukhin wrote on the wall of the house "Luka mudak". He cannot explain why he has written such phrase. After that they crossed the street and went to the secondary school # 79. Near the school Murashka took the balloon from Moukhin and wrote something on the side of the building. Moukhin took the balloon from Murashka and wrote on the facade of the school "Long live Belarus", drew a flag and wrote "Luka mudak". After that Murashka took the balloon from him and wrote a phrase on the other side of the building. Then all of them went to the public transport stop where someone (Moukhin does not remember who exactly) wrote "Long live NRM", drew a flag and at this time a car with militiamen approached. They rushed to the yards of the near-by buildings, where they were detained by the militiamen.

A.A. Moukhin was aware of the fact that Murashka was not of majority age.

A.A. Gilevich having been questioned as the accused upon this criminal case pleaded his guilt partially and in regard to the questions asked said that he had known A.A. Moukhin and P.V. Murashka since the 8th form of the school. They studied in the same form at school. After school he and Moukhin entered the same institute and studied in one group. On February 28, 1998 Moukhin called him and suggested going to a concert. They met at 18.30 at the public transport stop on Karastayanava street and went to the concert using public transport. After the concert was over they went for a walk and came to "Centralny" supermarket where they bought beer and drank it not far from the supermarket. After that all of them went to Karastayanava street where Moukhin bought some more beer at the shop. After they had drunk the beer Gilevich decided to go home and they went to the public transport stop Gaya Gilevich decided to see Moukhin home and the three of them went to his house. Moukhin asked them to wait for him near the house and went in and fetched the balloon with the paint. They decided to test the paint and went to the polyclinic where Gilevich took the balloon and wrote on the fence "Luku na muku". After this they went to Arlouskaya street and on one of the houses Moukhin or Murashka wrote a phrase. Then they crossed the street and went to the school. Near the school Murashka took the balloon and wrote on the building "Belarus into Europe, Lukashenka into a...". After that Murashka and Moukhin started to write something else on the building of the school and Gilevich walked away from them to the stop on Arlouskaya street. Moukhin and Murashka joined Gilevich and they all went to the stop "Kievsky skver", where someone suggested writing something about the band whose concert they had visited. Murashka took the balloon and wrote "Long live NRM". Gilevich took the balloon from him and also wanted to write something but they saw the militia car and rushed away. When Gilevich was running he dropped the balloon. They hid in the doorway of the house near-by, where they were found by the militiamen and detained. The witness V.M. Vasyuta said that he had been working in the company of patrol and point-duty service militiamen of the "Centralny" DDIA of Minsk since 1989. On February 28, 1998 he started his service at about 23.45 o'clock. Passing Arlouskaya street in the militia car which was driven by the militiaman-driver Shuleshka they paid their attention to the three young men one of whom was drawing something with the help of a balloon at the public transport stop "Kievsky skver". Having seen the militia car the guys rushed through the Kievsky skver in the direction of Azizau street. Vasyuta got off the car and ran in order to catch the guys and the driver started to pursue them on the car. Near the house # 5 on Azizau street one of the guys dropped the balloon with the paint onto the ground. After that the guys ran into one of the doorways of the house where they were detained. While being detained the young men did not show any resistance. We conveyed the detained to the "Centralny" DDIA of Minsk where it was established that the detained were P.V. Murashka, A.A. Moukhin and A.A. Gilevich. On the way to the DDIA near the house # 5 on Azizau street Vasyuta picked up the balloon thrown away by one of the guys. Upon further investigation of the near-by territory it was established that except the public transport stop there were different phrases put down with the same paint including those of insulting character addressed the president of the Republic of Belarus A.G. Lukashenka. Such phrases were found on the secondary school # 79 building on Azizau street, on the house # 26 on Arlouskaya street and on the fence on 82 Shchedrin street.

The witness M. Shuleshka gave the same evidence. The witness V.I. Shadura said that he works as the managing director of the affiliate # 7 of the joint stock company "Belremstroysvyaz". He learned from the militiamen that the fence around the territory of the enterprise was stained with the paint. The amount of the caused damage after the calculation is 330240 roubles.

The witness L.A. Lashkevich said that she works as a foreman of the repairing and construction department of the joint stock company "Minsky farforovy zavod". She learned from the militiamen that different phrases were put down with the paint on the facade of the dwelling house # 26 on Arlouskaya street. The necessary repairing of the building requires 168000 roubles. The witness G.M. Fralou said that he works as the manager of the road and maintenance department of "Centralny" district of Minsk. He learned from the militiamen that there were different expressions put down with the paint at the public transport stop "Kievsky skver" on 42 Arlouskaya street in Minsk. The repairing of the shed at the stop requires 625566 roubles of the Republic of Belarus. The witness I.V. Sakovich said that she works as the director of the secondary school # 79 of Minsk. On March 2, 1998 she found out that the facade of the school was stained with red paint. There also were expressions on both the sides of the building. The amount of the damage caused is 3041472 roubles.

V.I. Shadura, L.A. Lashkevich, G.M. Fralou, I.V. Sakovich and the headed by them organizations deemed to be plaintiffs upon this criminal case. The investigating authorities do not find any circumstances mitigating the responsibility of the accused. The aggravating circumstance is the committing of the crime in the state of alcoholic drunkenness. On the basis of the abovementioned: A.A. Moukhin, DOB 9.01.1980 is accused of the crime upon the signs of intentional actions on gross breaches of the public order and expressing clear disrespect to the society, provided for by Article 201 part I of the Criminal Code of the Republic of Belarus. A.A. Moukhin committed crime upon the signs of the intentional damage to the property, provided for by Article 96 part I of the Criminal Code of the Republic of Belarus. A.A. Moukhin committed crime upon the signs of involving minors in the criminal activity and drunkenness, provided for by Article 205 of the Criminal Code of the Republic of Belarus. A.A. Gilevich, DOB 13.12.1979 is accused of the same crime as A.A. Moukhin.

P.V. Murashka, DOB 26.05.1980 is accused of the crime upon the signs of intentional actions on gross breaches of the public order and expressing clear disrespect to the society, provided for by Article 201 part I of the Criminal Code of the Republic of Belarus. P.V. Murashka committed crime upon the signs of intentional damage to the property, provided for by Article 96 part I of the Criminal Code of the Republic of Belarus.

The conclusion to indict is drawn up on April 9, 1998 in Minsk and together with other materials of the criminal case is submitted to the procurator of "Centralny" district of Minsk for confirmation and sending by jurisdiction.

Investigator of the Central DDIF
Major Sachek S.A.

CHRONICLE

(beginning on page 1)

May 13th – the members of "Youth Front" V. Kanapatski and V. Umreika received call-up papers to the KGB for an interview. The summons of young activists to the KGB is connected with their participation in political actions directed against A. Lukashenka's dictatorship. The KGB's agent U. Shaban suggested that they should signed under the protocol in which they were officially warned of criminal liability.

May 13th – an activist of "Youth Front" S. Kulchanka from the town of Mariana Gorka was summoned to a sitting of juvenile delinquency committee where he was given an official warning.

May 14th – a procession and a rock concert took place in support of political prisoners A.Shydlouski and P. Sevyarynets in which more than one thousand people took part.

T. Sudzilouskaya and L. Valuy were detained by some people in civilian clothes. On the next day the court of the Soviet district of Minsk condemned T. Sudzil Belarusan roubles (more than $100) and L. Valuy was justified with the help of human right center "Spring - 96".

May 14th – the presidential flag was exchanged for the national "white–red–white" Belarusan flag above the executive committee in Vitebsk. There was a note attached to the flag: "For all political prisoners of Belarus".

In May – the conditions of deputy A. Klimau's imprisonment have been deteriorated. He was moved into a prison ward where there is only one bed per two people and prisoners sleep in turn.

In May – the deputy of 13th convocation V. Schukin announced that "court trials which took place in May were not only political by nature. They had a downright chauvinistic character".

In May – a former deputy of the Supreme Soviet Syargei Antonchyk is not able to find a job even as a loader. In the personnel department of Minsk tractor plant he was told that he would not be employed in any capacity. The order was administered from "above".

In May – the Ministry of Education of Belarus announced that from now on non-state institutions of higher education will be giving their students diplomas different from those which are given by state institutions.

In May – the Ministry of Education of Belarus announced that from now on non-state institutions of higher education will be giving their students diplomas different from those which are given by state institutions.

That is obvious discrimination of students from non-state institutions of higher education.

These diplomas will be regarded as second rate diplomas. A group of students from non-state universities gathered 1800 signatures under the letter of protest.

In May – The Supreme Court confirmed the verdict regarding a 7 year sentence of a deputy of 13th Supreme Soviet U. Kudzinau who was in opposition to president Lukashenka.

In May – Ales Batsukou addressed his appeal to the court of the Kastrychnitski district in Magileu. He was condemned to a fine of 5 hundred thousand Belarusan roubles for leafleting after a picket on April 1st 1998. The judge Umarau refused to accept A.Batsukou's appeal because it was written in Belarusan. On the next day the judge L. Arlova also refused to accept his appeal for the same reason. After Batsukou's persistence the judge agreed to consider his appeal, but suggested that he should rewrite it in Russian.

May 20th – the hearings about employees of human right bodies violating the legislation during opposition public activities took place in Minsk city council. The deputy Y. Krutkou said that "financing of the militia forces increased about 3, 1 times this year". The deputies were eager to know on what the money was spent.

At the end of May – a sitting of juvenile delinquency committee took place in town of Mariana Gorka. The criminal case of D. Vaskovich concerning his participation in opposition youth action on April 2nd 1998 was considered there. D. Vaskovich was given an official warning.

TODAY IS TIME TO TRINK ABOUT TOMORROW

Unfortunately, children problems are not diminishing each year in modern Belarus. According to doctors a great number of children can not be regarded as healthy. More and more families get divorced. Cruelty among children is increasing and of as a result the percentage of juvenile delinquency is growing. In the country there are more than 20 thousand children-invalids and about the same number of orphans who have their parents alive in 95 instances from 100.

Poor living conditions, fear of Chernobyl accident's consequences, uncertainty in future – these are the main reasons why the Belarusan women are often afraid of bearing children today. More people have died than have been born for the last several years in Belarus.

It seems that the Belarusan people has had enough of trials. But no. New ones connected with politics have appeared. That is first of all persecution of public organizations who undertake health-improvement measures for children and humanitarian assistance. That is so-called "revival" of polluted areas by means of sending graduates from universities, high-schools, technical colleges for permanent work there. That is harsh treatment of teenagers who show their disagreement with the existing regime.

The participants of the meeting called "Protection for our children" which took place on June 1st in Minsk were talking about this issues. This meeting was organized by the Belarusan women's movement "For fatherland's revival" together with the members of "Charter-97" and "United Civil Party". The members of "Youth Front" took part in the action and held the portraits of their friends- prisoners – Aliaksey Shydlouski and Pavel Sevyarynets. About 150 participants, mainly youths and women with children, gathered at 6 o'clock in the evening on Yakub Kolas square. A heavy rain delayed the procession along Skaryna avenue for half an hour and the people had to wait in a subway crossing.

A number of young boys surrounded by a symbolic barbed wire were walking in front of procession and holding a slogan "Thanks to Lukashenka for our happy childhood". As usual this procession was accompanied by the militia and the people in civilian clothes with video cameras on their shoulders. At this time "videohunting" was directed on women with children. One of the peculiarities of this moment was that among the video cameramen was a woman. A journalist T. Vanina conduct- the participants was Pavel Sevyarynets's mother. The meeting's participants adopted a resolution consisting of a number of demands: liberation of 19 year old A.Shydlouski from the colony and 21 year old P. Sevyarynets from the investigation isolator; initiation of criminal case against those militia men who starved, humiliated and beat up the minors in the militia department; abolishment of compulsory assignment for universities' graduates to the polluted areas; to provide the right for children to study in their native language. But the main demand was concerning Lukashenka's resignation who cares less about the nation, about uniting Belarusans into one family, about happy and spiritual future for our children.

Our correspondent

"Persecution of advocates for their professional activities is unacceptable"

(beginning on page 3)

headquarters in Geneva. The Belarusan Parliament ratified so-called Protocol №1 on the Pact of civic and political rights in 1992. Thus this protocol gives the right to citizens of the countries which ratified it to appeal to the committee after going through all national judicial institutions. This is not judicial body but it can require to disaffirm certain judicial decisions. If the Committee sees the breach of human rights and consider that he or she has been punished unlawfully it may recommend a government of a particular state to reconsider a verdict. If the state does not reconsider a verdict (or decision on civil case or any case connected with violation of human rights) then this verdict will be included into annual report of UN General Assembly session as a bad example, and as an extreme violation of human rights. And United Nations Organization may apply sanctions against a violator. A special Committee of General Assembly session will decide what kind of sanctions must be used against a violation, whether it would be diplomatic, economic or political ones.

As for me I am in favour of Belarus entering the European Council as quickly as possible. Then the Belarusan citizens as full members of international community would fall under jurisdiction of the International Court in Strasbourg and the Hague. In case such incident occurs any government is likely to be under pressure. If a leader of a country signs a treaty and the Parliament of that country ratifies it that means that they will take responsibilities to fulfill the principles of the treaty. In same cases an intention to make government support human rights lead to bringing in foreign troops as it happened to Bosnia and Croatia.

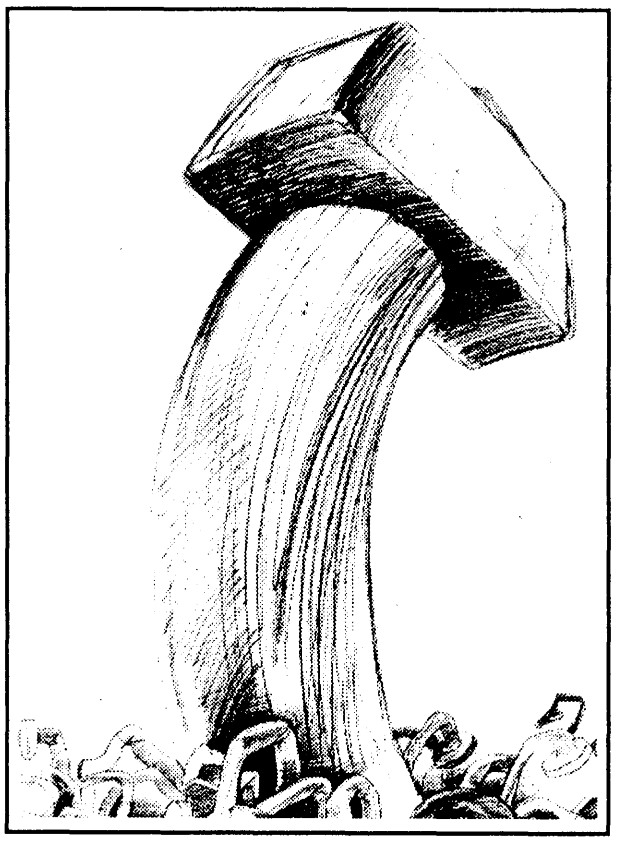
– Gary Pyatrovich you are known as an advocate of T. Vinnikava, S. Adamovich, P. Sharamet and you tried to defend P. Sevyarynets.... All these cases are famous ones on the verge of political scandal. Did you have a feeling that there would be many political cases. When did you take part in such case for the first time? Were you prepared morally to meet nowadays pressure?

– It seems that we have forgotten what the expression "political case" looks like. But the current state authorities reminded us of the expression. Political case is violation of human rights – persecution for his views. Many people are dismissed from their jobs and deprived of place to live, normal working conditions as well as life conditions. The "Peak" of political case is criminal persecution and then imprisonment. I would not take courage to qualify many cases as political ones the case of T. Vinnikava for example. I heard a lot of bad words and accusation addressed to Vinnikava a long ago from many high-rank officials and that had been before. She was accused by prosecutor. Vinnikava was dismissed from her position by state officials but accusations concerning Vinnikava had been known to the president before her appointment as the Head of National Bank. But while she was under examination old accusations gave way to new ones.

– Was it because the first accusations had something to do with Belarusan officials?

– Not necessarily. It maybe that there was not enough evidence for grounding previous accusations...

– Something the same is happening now to Pavel Sevyarynets: according to prosecutor Globe the Committee of the State Security (KGB) is going to accuse him of committing state crime.



– I have already managed to explore the case of P. Sevyarynets and I can maintain that there was no hooliganism on his part. If a prosecutor tells Sevyarynets's father about a new accusation before it is announced officially that means he will break professional ethics. And I would not say it is unprofessional.

– Let us come back to one of the questions: did you perceive that events in Belarus would take such a course when you defended Adamovich?

– I could not imagine that the authorities would hit upon persecuting advocates for their professional activities. We did not have anything likewise even in the Soviet period. Though in old times advocates used to be subjects to arrests, killing and especially those who represented pre-revolution old school.

During 1930-s advocates were only allowed to be in court-room during court hearings, later after Stalin's death they were allowed to enter upon their duties from the moment of bringing an accusation against their clients. Now – from the moment of detainment... In the Soviet courts advocates were acting just for show. Now you have to strive for getting into court! It is not an advocate's fault that people ask him or her for help. An advocate must help to a client if she or he does not agree with accusation and has his or her own opinion on a matter. I think the profession of advocate is pretty much, the same as doctor's one. Here is a situation: a sick man with acute attack of appendicitis lays on the operation table before a doctor. A man is sentenced to capital punishment for committing a crime. Can the doctor refuse to operate on the client though he does not have a chance to survive? But execution of a verdict is not in doctor's competence. He is a man who has taken the oath of Hippocratus and thus must treat anybody for illness. But a person who has been sentenced has the right to appeal against a sentence and it can be revoked...

– Can the authorities intimidate advocates according to your case?

– My case is not the only one. Pretty much the same has happened to Nadzeya Dudarova and Vera Stramkouskaya. Obviously such methods have brought certain results. Remember for how long an advocate could not be found for Pavel Sevyarynets. But some of my colleges do not take political cases not because they are scared but just for the reason that they have plenty of work to do and possibility to make money for their living. As a number of advocates is very low in our country there is no tough competition among them. There is one advocate per 300 – 400 citizens in western countries while in Belarus a ratio is one per 10000 citizens.

– What can be done today to protect a professional advocate from any pressure?

– We need to enforce a new law on advocate's activity which

1) would separate the Bar from governing state bodies and the authorities. The Bar must be a strong human-right organization consisting of high-rank lawyers;

2) on the level of state regulation of the Bar a new law must be enforced which would meet international standards characteristic of such constitutional body ;

3) to create such conditions that would help advocates to give assistance to people with different political views, of various religions and social classes. To make advocate assistance available to any person the Bar needs some help from the state in the following forms: lowering taxation, providing with official premises, providing with free information about laws. The State must pay for advocates' work if they provide their clients with free juridical assistance taking into account that for such cases a provision will be made.

Tattsyana SNITKO

FROM THE INSIDE OF THE "VALADARKA"

Colony - 5

Good weather set in only in the middle of June. Throughout the Spring it was windy and rainy in the village of Staraselle where the colony was situated. Those who had spent many years in the colony told that good weather set in very occasionally in that district. There was a week left before my freeing from the colony and all my thoughts were so far away from the place of my imprisonment. This had been disturbing very much my new acquaintance, a former vice-chairman of a village school. During his stay in the colony he had been editing his appeal to president Lukashenka. All his letters sent to different state institutions got no results. There were no answers on many of his appeals from state institutions. But he was still harboring some hope in his sole. He substantially revived after having learned that the head of region's Organization on people's education was dismissed from his position. He hoped that a week after my freeing I would hand his letter of appeal to the president's administration. I thought that would be very easy task for me and I was glad to help him though I doubted it would help him a lot and would improve things. I knew that during 1997 many people appealed to the Belarusan president among whom there were 35 men sentenced to death. No one received a mercy from the first president of the Republic of Belarus, who has the right to decide on fate of people in highest instance. I tried to persuade the teacher not to waste his time because in my opinion the president would not take care of a village teacher though he had voted for him once. I also told him that his staying in the colony meant he should be in the mood to stay there during all his period of imprisonment, to take things as they were and do not make any illusions about his quick discharge. Belarusan colonies are not places of re-education of people but places of imprisonment.

It was obvious that his 3 months' staying in the colony influenced his behavior dramatically. Though he did not start drinking strong tea ("Chif") and intaking drugs he had already learnt to use his fingers as well as prison slang whilst talking.

When you get behind bars you do not have responsibilities. You can not help laughing when you are to sign an absurd list of duties when you get to the colony. But there was one line in the list which I will never ever forget – active participation in sections of amateur talent activities. Obviously there are no amateur performances in prisons at all.

On December 31st a drunk warrant-officer Aliaksandrovich wished us a happy New Year and allowed to listen to the radio on the New Year Night. Aliaksey asked him just for fun: "What about discotheque"? After that the warrant-officer became furious and started beating Aliaksey with a metal stick and that lasted about for half an hour. As a result Aliaksey had two ribs broken and a kidney damaged. For a couple months it was difficult for him to walk but he did not have courage to complaint about the warrant-officer.

On May 1st Aliaksey and I decided to organize a party on our beds ("Shkonka") after officials ordered to sleep. Aliaksey was singing a song "Varshavyanka" (Lady from Warsaw) while I was crying out a word "Gendarmes". Someone told Aliaxandrovich about the party and he was outraged and he applied his metal stick again. Almost a year has passed since the day of my discharge but I still remember a bent stick in the hands of Aliaxandrovich after beating me.

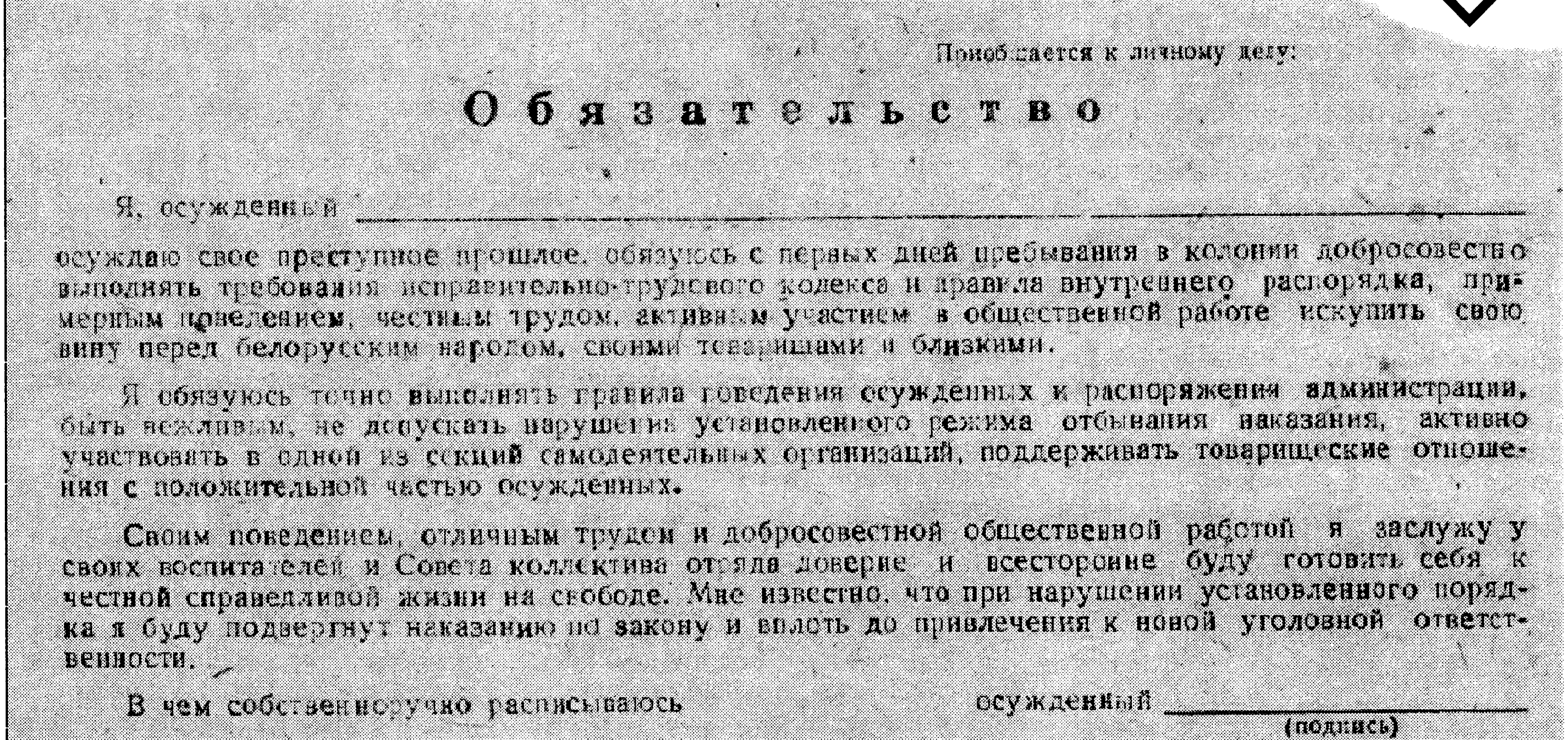
In September of 1997 Aliaksey was discharged as well. But his freedom lasted not for a long time because three months later he died at the age of 36. Sadistic actions of warrant-officer Aliaxandrovich resulted in such way...

Micola KACHAN

(continuation follows)

(continuation from volumes 2-3, 5-9)

Below on the photo: These are "responsibilities" they oblige every prisoner to sign.



Приобщается к личному делу:

Обязательство

Я, осужденный ______________________________

осуждаю свое преступное прошлое, обязуюсь с первых дней пребывания в колонии добросовестно выполнять требования исправительно-трудового кодекса и правила внутреннего распорядка, примерным поведением, честным трудом, активным участием в общественной работе искупить свою вину перед белорусским народом, своими товарищами и близкими.

Я обязуюсь точно выполнять правила поведения осужденных и распоряжения администрации, быть вежливым, не допускать нарушения установленного режима отбывания наказания, активно участвовать в одной из секций самодеятельных организаций, поддерживать товарищеские отношения с положительной частью осужденных.

Своим поведением, отличным трудом и добросовестной общественной работой я заслужу у своих воспитателей и Совета коллектива отзыв доверие и всесторонне буду готовить себя к честной справедливой жизни на свободе. Мне известно, что при нарушении установленного порядка я буду подвергнут наказанию по закону и вплоть до привлечения к новой уголовной ответственности.

В чем собственноручно расписываюсь осужденный ______________

(подпись)

« ___ » ______________ 19 г.

The Right of Freedom. The Bulletin of the Human Rights Centre "Spring '96".
Address: 220007, Minsk, p/b 88. E-mal:rights@v96.open.by. Published twice a month in Belarusian, English and Russian languages. Circulation 299 copies. Editor-in-Chief Ales BIALATSKY.
In this number pictures by A.Karpovich and photos from the Cenre "Spring '96" archives are used.